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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
Lothar Schwink et al.

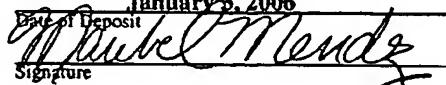
Examiner: **Sackey, Ebenezer**  
Art Unit: **1626**

Application No.: **10/626,314**

Filed: **July 24, 2003**

Title: **Substituted Diaryl Heterocycles, Process  
for Their Preparation and Their Use as  
Medicaments**

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**RESPONSE UNDER 37 C.F.R. § 1.111**

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the outstanding Office Action, dated October 24, 2005 for which a response is due by January 24, 2006 in the above identified patent application. Entry of the following Amendments and Remarks is respectfully requested.

definition of R5, R6, R7 and R8 "COO-(C<sub>1</sub>-C<sub>6</sub>)-alkyl" has been deleted. In the definition of R9 and R10 "COO(R49)" has been deleted.

In claim 3 the definition of R "or two heteroatoms" has been replaced by "heteroatom".

In claim 22 the following amendments are noted: In the definition of R "or more heteroatoms" has been replaced by "heteroatom". Further, "or COO-(C<sub>1</sub>-C<sub>6</sub>)-alkyl" has been deleted. In the definition of R1, R2, R3 and R4 "COOH, COO-(C<sub>1</sub>-C<sub>6</sub>)-alkyl" has been deleted. In the definition of R5, R6, R7 and R8 "COOH, COO-(C<sub>1</sub>-C<sub>6</sub>)-alkyl," has been deleted. Further, "to 4 heteroatoms" has been replaced by "heteroatom". In the definition of R9 and R10 "COO(R49)," has been deleted.

In view of the above discussed amendments the withdrawal of the rejection of claims 1-7 and 22 under 35 U.S.C. § 102(b) is requested.

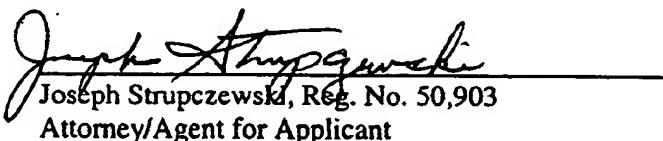
New independent claim 26 was added disclosing a narrower scope of the invention vis-à-vis original independent claim 1. New claims 27-30 are dependent from claim 26.

#### Conclusion

Applicants respectfully submit that claims 1 to 8 and 22-30 are in condition for allowance. Action to that end is requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicant believes that there are no fees due for this Rule 111 Amendment. However, if the Commissioner deems that fees are due, please charge these fees to Deposit Account No. 18-1982 for Aventis Pharmaceuticals Inc., Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,



Joseph Strupczewski, Reg. No. 50,903  
Attorney/Agent for Applicant

Aventis Pharmaceuticals Inc.  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, NJ 08807-0800  
Telephone (908) 231-2387  
Telefax (908) 231-2626

Aventis Docket No. DEAV2002/0052 US NP